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September 12, 2014

VIA ECF

The Honorable Sandra J. Feuerstein
United States District Judge
United States District Court for
the Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

**Re: Cecil Thomas et al. v. TXX Services, Inc. et al.
U.S. District Court for the Eastern District of New York
Civil Action No. 2:13-CV-02789-SJF-SIL**

Dear District Judge Feuerstein:

We represent Defendants TXX Services, Inc. and Patricia Hunt (collectively, "Defendants") in connection with the above-referenced action. We write to request clarification from the Court with respect to the Court's September 10, 2014 Order terminating the docket entries for Defendants' Motion for Judgment on the Pleadings (Dckt. No. 83), as well as Magistrate Judge Wall's Report and Recommendation (Dckt. No. 106) and Plaintiffs' September 8, 2014 Motion for Summary Judgment (Dckt. No. 124).

On October 3, 2013, Defendants filed a Motion for Judgment on the Pleadings, which was fully briefed and submitted to the Court pursuant to the Court's Individual Rule 4 on November 5, 2013. On June 24, 2014, the Court converted Defendants' Motion for Judgment on the Pleadings to a Motion for Summary Judgment (*see* Dckt. No. 113). At the June 24, 2014 hearing, the Court specified that Defendants were not required to submit any additional papers in connection with the converted summary judgment motion, and that Plaintiffs would have an opportunity to provide supplemental information following the completion of a Rule 30(b)(6) deposition. Plaintiffs submitted their supplemental response and their own motion for summary judgment on September 8, 2014 (Dckt. No. 124).

The Court's September 10, 2014 Order does not address the merits of the motions for summary judgment and grants leave for the parties to renew them consistent with the Court's Individual Rule 4. In accordance with this Order, Defendants intend to re-file the briefs, declarations, and exhibits originally filed on November 5, 2013 as well as Plaintiffs'

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supplemental response (Dckt. No. 124), but docket them as documents related to a Motion for Summary Judgment rather than a Motion for Judgment on the Pleadings, complying with the “bundle rule” required by Individual Rule 4. Should the Court desire a different procedure under these circumstances, Defendants respectfully request guidance as to that procedure, in light of the Court’s September 10, 2014 Order, in renewing their Motion for Summary Judgment.

If the Court prefers, counsel for Defendants can be available at the Court’s convenience for a joint conference call to discuss the procedure for renewing the motions addressed by the Court’s September 10, 2014 Order.

We thank the Court for its continued attention to this matter.

Respectfully submitted,

/s/ Jeffrey W. Pagano

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